

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VICKI L. McCOMBER,

Plaintiff,

v.

JOHN E. POTTER,

Defendant.

Case No. 06-5089 FDB

ORDER DENYING MOTION FOR  
RECONSIDERATION

This matter comes before the Court on motion of Plaintiff Vicki L. McComber for reconsideration of this Court's Order dismissing Plaintiff's complaint for failure to exhaust administrative remedies. After reviewing the motion and this Court's previous order, the Court is fully informed and hereby denies the motion for reconsideration for the reasons stated below.

**MOTION FOR RECONSIDERATION**

Pursuant to Local Rules W.D. Wash. CR 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the prior ruling, or (b) facts or legal authority which could not have been brought to the attention of the court earlier, through reasonable diligence. Plaintiff's has not made the requisite showing as to either of the grounds for reconsideration under CR 7(h)(1). Plaintiff rather, attempts to use this motion to revisit


1 the factual arguments made in support of the contention that she exhausted her administrative  
2 remedies. The Court is not persuaded by this reargument. Plaintiff's motion does not demonstrate a  
3 manifest error in the Court's prior ruling dismissing the complaint nor does it provide the Court with  
4 any new information not previously considered

5 Plaintiff has failed to exhaust administrative remedies and as such, the intentional infliction of  
6 emotional distress claim is subject to dismissal.

7 **CONCLUSION**

8 For the reasons set forth above, Plaintiff's Motion for Reconsideration [Dkt #18] is  
9 **DENIED.**

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11 DATED this 29<sup>th</sup> day of August, 2006.

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14 FRANKLIN D. BURGESS  
15 UNITED STATES DISTRICT JUDGE  
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